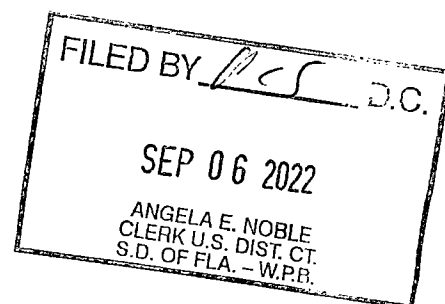


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

IN THE MATTER OF THE SEARCH OF: )  
 ) Case No.  
LOCATIONS WITHIN THE PREMISES )  
TO BE SEARCHED IN ATTACHMENT A ) Filed Under Seal



## FRIEND OF THE COURT BRIEF

### INTRODUCTION

This matter involves a surprise and sweeping taking of documents and objects from the residence of the former President of the United States Trump #45. On the date(s) in question members of the Federal Government (FEDGOV). Presumably representative of the Department of Justice (DoJ) were "on point". The investigation began as a result of a referral by the United States National Archives and Records Administration (NARA) [from the original filing by DoJ, a criminal prosecution arm of the FEDGOV], not a criminal investigative arm of the FEDGOV such as FBI.

### FOURTH AMENDMENT TO THE CONSTITUTION

The Fourth Amendment (Amendment IV) to the United States Constitution is part of the Bill of Rights. It prohibits unreasonable searches and seizures. In addition, it sets requirements for issuing warrants: warrants must be issued by a judge or magistrate, justified by probable cause, supported by oath or affirmation, and must particularly describe the place to be searched and the persons or things to be seized.

Fourth Amendment case law deals with three main issues: what government activities are "searches" and "seizures," what constitutes probable cause to conduct searches and seizures, and how to address violations of Fourth Amendment rights. Early court decisions limited the amendment's scope to physical intrusion of property or persons, but with *Katz v. United States* (1967), the Supreme Court held that its protections extend to intrusions on the privacy of individuals as well as to physical locations. A warrant is needed for most search and seizure activities, but the Court has carved out a series of exceptions for consent searches, motor vehicle searches, evidence in plain view, exigent circumstances,

border searches, and other situations. The text of the Fourth amendment to the Constitution states in full:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The term "particularly describing" is central to the amendment. It specifically prohibits sweeping and open ended searches or takings.

Target (search victim) at all times fully cooperated with FEDGOV right up to the moment of the unlawful search, takings, and breach of chain of custody by an DoJ, an agency of the FEDGOV not typically allowed to even see such items until an investigator (FBI) petitions to release them and a JUDGE rules to release a subset of even that after review. That entire process was bypassed in this case. Besides being unlawful and Unconstitutional (violation of oath of office) (violation of Target (search victim)'s rights, it can rightfully be described as a theft. As such numerous felonies occurred by all the parties involved in the unlawful takings, not only on-site, but back at the office where the unlawful search and taking was planned, ordered, organized, implemented, and post facto duplicated and analyzed, all while the entire traditional processes was bypassed in this case. Conspiracy.

## **SEPARATION OF POWERS**

Our Republic has three branches. The Executive branch, the Legislative branch and the Judicial branch. In theory they are equal branches. In practice the Executive exercises police powers, regulatory powers which is effectively a form of legislation with no vote by representatives of the people.

Rules are promulgated, commented on (Thank you for your input. It shall be ignored now.), and the regulator unilaterally determines what final rule is published in the Federal Register. If a dispute arises it is heard in an

Administrative court where there is a presumption the regulator is correct. About the only way to enter an adversarial process is for the Administrative judge to first find the actions of the regular to be arbitrary and capricious. One such case I was involved in (CV-00273-RBW - DC) took more than 6 years to get to the point of that arbitrary and capricious ruling despite overwhelming evidence. Once the Judge (Reggie B. Walton - US District Judge) ruled arbitrary and capricious, the adversarial process involved the regulator lying to and mis-directing the court with zero consequences. The entire case took nine years for what amounts to a single sentence ruling saying they could not regulate chemicals of specific properties. It only cost \$2,000,000 and despite prevailing that sum was not paid to the Petitioner by the defeated government regulator.

The Congress, inclusive of House and Senate has essentially unlimited power of. Writing law, spending money and others. It does require a majority in the 435 member House and a super majority in the 100 member Senate as well as the Signature of the President in the Executive branch.

This dance of power results in politics often referred to as a contact sport.

The Judicial branch more often than not, cedes authority to the other two branches despite their mandate to have equal power and to hold the other branches accountable with ripe cases. The Judicial branch has a Supreme Court and Inferior courts.

## **FIRST AMENDMENT**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Petition the Government for a redress of grievances, currently has no formalized process to effect it. The Judicial branch has a duty and responsibility under their oath of office to make such a provision. Further such grievances should be heard in a timely fashion such that resolution can happen within a year. This can be simplified by bifurcating issues to those which can be settled by a Judge within his own comfort level of

jurisdiction and expertise. Any remaining issues can be done with an adversarial process with shortened time, 21 days, between hearings leading to a final order.

Further, the Judicial branch can simply elect to allow less deference to both the Legislative and Executive branches to allow important disputes to be heard and adjudicated BY THE PEOPLE, the entire purpose of our form of government. In fact, it is THE PEOPLE in this country who are the sovereigns! Extraordinary effort should be made to put in place methods for the people to address concerns in a timely basis.

### **INSTANT CASE**

In the instant case the Executive branch has different Departments that are acting outside of their remit by reversing the order of justice from investigate, vet evidence, prosecute, to, prosecutor gain access to all evidence without an investigator, vetting the evidence in the eye of a prosecutor and not an investigator moderated by a judge. The danger of this slippery slope cannot be understated. It is the responsibility of the Judicial branch to reign in and refer the offending parties to Grand Juries for charging documents. In this case due to the conflict of interest of the DoJ itself, prosecution must be done entirely outside that regime.

It is time for the Judicial branch to grow some.

Respectfully submitted.

### **ORDER (proposed)**

1. **ORDER** the the formation and funding by Congress of new court styles as set forth in the founding documents with hyper-timely resolutions through bifurcations and shortened filing times to the current standard of 21 days.
2. **ORDER** the prevailing party have all legal fees paid by the FEDGOV and that the FEDGOV shall cover its own expenses. The people are SOVEREIGNS.

3. **ORDER** that Target (search victim) be awarded all costs, attorney fees, labor and vendor invoices to deal with and recover from this unlawful taking, when the original act or petition included fraud and exceeding scope of duties, order treble damages.

4. **ORDER** other relief as justice suggests, and to make an example of the unlawful perpetrators acting outside of the scope of the Constitution, chain of command, typical procedure of investigate - refer - prosecute - obtain judicial review of allowable or admissible documents - pre-trial pleadings and hearings between prosecutor and Target (search victim).

5. **ORDER** that petitions of THE PEOPLE entering grievances that are found to be ordered or agreed upon in part or in full be fully compensated by the FEDGOV for all costs, fees, labor, vendor fees, damages, lost opportunity costs. Make it truly painful for the FEDGOV to mess with a SOVEREIGN CITIZEN.

Respectfully submitted.

This document filed by mail on or about 9-3-22 to the right and Honorable Bruce E Reinhart, United States Magistrate Judge, Paul G. Rogers Federal Building and U.S. Courthouse, 701 Clematis Street, West Palm Beach, Florida 33401

This document sent by mail on or about 9-3-22 to Silverman-Thomson, M. Evan Corcoran, 400 E Pratt Street #900, Baltimore, MD 21202.

I verify I have authored this document and tendered it in regular mail to the above two addresses.

Gerald A. Irvine

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